



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/722,127

11/24/2003

William C. Orr

ORR IFS CIP4

4654

25235 7590 07/03/2006

HOGAN & HARTSON LLP
ONE TABOR CENTER, SUITE 1500
1200 SEVENTEENTH ST
DENVER, CO 80202

EXAMINER

TOOMER, CEPHIA D

ART UNIT

PAPER NUMBER

1714

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/722,127

Applicant(s)

ORR, WILLIAM C.

Examiner

Cephia D. Toomer

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are replete with spelling and typographical errors too numerous to set forth in the Office action. The examiner has gone through claims 1 and 2 and has set forth the errors found in those claims. Applicant should pay close attention to the errors pointed out in claim 2 and go through the rest of the claims to determine the spelling and typographical errors that are present in those claims.

Claim 2 is rejected because of the following terms being either misspelled, not written in the proper form or typographical errors; triemethoxymethylsilane, dimethylphosp'hite; vinyltris(2-butyldenamino-oxy)silane; tetiraethoxysilane; tetraisobutylsilarie; a dialkylphosphites, tripropylphosphit<\$; tributyl-phosphite); dimethylmethylmethylphos-phonate; diethylmethyl-phos-phonate; timethylortho-formate;alkyloxymethanes; acetic acide ahydride; (acetyloxy)acid acid; ethyl ester

Art Unit: 1714

(acetyloxy)acetic acid; an alkylhydroxyesters of acetic acid; methylesterhydro-xyacetic acid; propylesterhydro-xyacetic acid; methyl-O,O-dimethylester phosphonothioic acid; trimethyl ester ester phosphoric acid; triethyl ester ester phosphoric acid; O,O,O'-triethyl ester phosphorothioic acid, 1,1',1''-[methylidynetris(oxy)]tris(2-methyl propane; hydracrylonitrile. Also, "and mixture" should read –and mixtures thereof--. Lastly, there are duplicates of trimethylorthoacetate; trimethylorthovalerate; trimethylorthoformate in the claim.

In claim 3, dimethoxy-methyl-vinyl-silane and vinyltris(2-butyldiaminooxy)silane is misspelled. There should be a comma following "trialkylphosphites." Also, it is not clear what constitutes derivatives of the claimed compounds.

Claim 4 is rejected because it contains a period following "claim" and "of". The term triethoxymethylmethane is misspelled. Also, "and mixture" should read – and mixtures thereof--.

Claim 6 is rejected because it is not clear if the compounds that follow the recitation of ECS are ECS fuels or other compounds that may be used in the composition. This claim contains numerous misspelled duplicate and nonsensical terms.

Claim 7 is a dependent upon itself. DIPE should be defined. Also, "diethyl¹ carbonate" is not understood.

Claim 8 is rejected because it is not clear what constitutes "lead-free elements or derivative organic or inorganic compound containing said non-lead element". Also, "and mixture" should read – and mixtures thereof--.

In claim 9, it is not clear what constitutes "including organic and inorganic derivative."

In claim 10, MTBE, ETBE, DMC and DEC should be defined. This claim also contains several misspelled words. The term e.g. is indefinite.

Claim 11 contains misspelled terms, duplicate terms and nonsensical terms.

Claim 12 is rejected for the reasons set forth in claim 11. Also, what constitutes derivatives of the compounds?

Should the last line of claim 12 have been set forth as claim 13?

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by the compound trimethoxymethylsilane.

The claims as set forth reads on the compound per se. There is no positive recitation of a fuel.


Accordingly, the compound trimethoxymethylsilane anticipates the claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cephia D. Toomer whose telephone number is 571-272-1126. The examiner can normally be reached on Monday-Thursday.

Art Unit: 1714

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Cephia D. Toomer
Primary Examiner
Art Unit 1714

10722127\20060626